



Legislation Text

File #: 17-640, Version: 1

TO: Mayor and Commissioners
FROM: R. Max Lohman, City Attorney
DATE: August 15, 2017

INFORMED CONSENT GRANT AND WAIVER OF CONFLICT OF INTEREST

Recommended Action:

Motion to Approve "Informed Consent Grant and Waiver of Conflict of Interest" form concerning issue of dual representation by Assistant City Attorney Bradley Biggs.

Background:

This consent and waiver of conflict of interest form is offered pursuant to Florida Bar Rule 4-1.7 *Conflict of Interest: Current Clients*, which provides that an attorney may represent two clients with potential conflicts if each client gives informed consent in writing waiving a possible conflict so long as the attorney does not asset a position adverse to the other client before a tribunal. Assistant Attorney Biggs represents both the City of Delray Beach and the South Central Regional Wastewater Treatment and Disposal Board (the "Board"). The City of Delray Beach Commission members also sit as one-half of the Board's membership. The interests of the Board and the City Commission appear to be wholly consistent and aligned since the Board acts to furnish its wastewater treatment services to the City of Delray Beach and the City of Boynton Beach without regard to political or governmental boundaries. This form is being offered in conformance with the above-referenced Florida Bar Rule.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

This item is being presented now due to some inadvertent scheduling miscues between the City Clerk's office and the Board's administrative assistant, but was formally approval by the Board in January.